IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 33181 of 2006(A)

PETITIONER:

K.V.PAULOSE, AGED 50 YEARS,
S/O.VAREED, KARUMATHI VEEDU,
SHREEMOOLANAGARAM P.O., CHOWWARA THEKKUMBHAGOM VILLAGE, ALUVA, ERNAKULAM DISTRICT.

BY ADV. SRI.K.A.JALEEL
SRI.N.K.POULOSEKUTTY

RESPONDENTS:

1.SREEMOOLANAGARAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
SREEMOOLANAGARAM P.O., PIN- 683 580.

2.THE SECRETARY,
SREEMOOLANAGARAM GRAMA PANCHAYATH,
SREEMOOLANAGARAM P.O., PIN-683 580.

3.OMBUDSMAN FOR LOCAL SELF GOVERNMENT,
INSTITUTIONS, THIRUVANANTHAPURAM.

R1-R2 BY ADV. SRI.K.S.AJAYAGHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/12/2006 ALONG WITH W.P.C.NO.32532/06, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)Nos.33181 & 32532 of 2006

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Dated: 15th December, 2006

JUDGMENT

Heard Mr.K.A.Jaleel, learned counsel for the petitioners and Mr.K.S.Ajayaghosh, learned Standing Counsel for the Sreemoolanagaram Grama Panchayat.

2. It is conceded before me by both sides that the petitioners in these cases are not newcomers to the line. Both of them have been having brick manufacturing business within the limits of the Panchayat for years together though it is correct to say that during the last year neither of them were issued licence by the Panchayat. The Ombudsman under Ext.P5 order in W.P.C.No.33181 of 2006 modifies his own interim order dated 28.10.2005 to the extent that renewal of licence for existing manufacturers can be entertained. It is however clarified that no new licence shall be issued.

3. I am of the view that from the facts which have emerged before me that the Panchayat will be justified in treating both the petitioners as existing manufacturers. Accordingly, these Writ Petitions will stand disposed of directing the Panchayat to consider the applications submitted by the petitioners treating them as applications for renewal of licence and pass appropriate orders on the same. Orders as directed above shall be passed by the Panchayat on

the applications submitted by the petitioners in both these cases at the earliest de hors the order of the Ombudsman and at any rate within two weeks of the petitioners producing a copy of this judgment.

srd **PIUS C.KURIAKOSE, JUDGE**